

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHWESTERN DIVISION  
U.S. DISTRICT COURT  
NO. 00-0909-NW  
ALABAMA

CHARLES HOWARD McGEE, )  
Plaintiff, )  
v. ) CV 00-S-0909-NW  
RONNIE MAY and LARRY LEWIS, )  
Defendants. )

ENTERED

FEB 22 2002

MEMORANDUM OF OPINION

The magistrate judge filed a second report and recommendation on January 18, 2002, recommending that the defendants' motion for summary judgment be granted and this cause dismissed without prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that the plaintiff failed to exhaust all post-deprivation remedies available to him prior to filing an action pursuant to 42 U.S.C. § 1983. Accordingly, defendants' motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITHOUT PREJUDICE. A Final Judgment will be entered.

DONE this the 22nd day of February, 2002.

Howard Smith  
UNITED STATES DISTRICT JUDGE

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